

111TH CONGRESS
1ST SESSION

H. R. 3855

To amend title 13, United States Code, to make clear that each decennial census, as required for the apportionment of Representatives in Congress among the several States, shall tabulate the total number of persons in each State, and to provide that no information regarding United States citizenship or immigration status may be elicited in any such census.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 20, 2009

Mr. BACA introduced the following bill; which was referred to the Committee on Oversight and Government Reform

A BILL

To amend title 13, United States Code, to make clear that each decennial census, as required for the apportionment of Representatives in Congress among the several States, shall tabulate the total number of persons in each State, and to provide that no information regarding United States citizenship or immigration status may be elicited in any such census.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Every Person Counts
3 Act”.

4 **SEC. 2. CENSUS DATA COLLECTION.**

5 (a) **REQUIREMENT.**—Section 141(b) of title 13,
6 United States Code, is amended by striking “United
7 States.” and inserting “United States, and shall tabulate
8 the total number of persons in each State.”.

9 (b) **PROHIBITION.**—Section 141(a) of such title 13
10 is amended by striking “as necessary.” and inserting “as
11 necessary, except that in no event may the Secretary in-
12 clude any question or otherwise elicit any information re-
13 garding United States citizenship or immigration status.”.

14 (c) **RULE OF CONSTRUCTION.**—Nothing in this Act
15 shall be considered to permit or require the exclusion,
16 from any decennial census of population, of—

17 (1) any person on the basis of age;

18 (2) personnel in the Armed Forces serving
19 abroad;

20 (3) Federal employees (and their dependents)
21 stationed abroad; or

22 (4) any other persons outside of the United
23 States (besides those under paragraph (2) or (3))
24 who can be traced to the State of their usual place
25 of residence, as determined by the Secretary of Com-
26 merce.

1 (d) DEFINITION.—For purposes of this Act, the term
2 “census of population” has the meaning given such term
3 by section 141(g) of such title 13.

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